

CASCADE COUNTY PLANNING BOARD

PLANNING STAFF: Report and Recommendations

REGARDING: Rezone Request, Public Hearing, June 19, 2018

SUBJECT: Rezone Parcel 0002712400, located in Section 33, Township 21 North, Range 04 East

PRESENTED BY: Anna Weber

GENERAL INFORMATION:

Applicant/Owner of Record: Charles Mesler and Albert Kunesh

Property Location: The property is in S33, T21N, R04E, P.M.M., Cascade County, MT and has a physical address of 4525 18th Ave N.

Existing Zoning: "I-1" Light Industrial

Requested Action: Rezone from "I-1" Light Industrial to "I-2" Heavy Industrial.

Existing Land Use: Currently being rented to Jason Nichols Sprinklers, who install lawn and garden sprinkler systems and provide landscaping design and construction.

Surrounding Zoning and Land Uses:

Direction	Parcel Number (s)	Zoning District	Existing Land Use
North	Parcel #0001088750	Interstate Commerce	BNSF Railway
East	Parcel #0002712775 0002089000	I-2 I-1	Industrial
South	Parcel #0002712505 0002712500	I-1	Residential Uses
West	Parcel #0002713300	I-1	Contractor Yard with Residential Dwelling

SPECIAL INFORMATION

1. Charles Mesler is petitioning as owner and applicant to rezone 13.67 acres of property from Light Industrial (I-1) to Heavy Industrial (I-2).
2. The requested Heavy Industrial zoning District permits all non-residential uses not otherwise prohibited by law, and limited accessory uses, such as a single

family dwelling required by and incidental to the industrial operation, agricultural uses of land, and Agricultural buildings.

3. According to the applicant the intent of the rezoning is to allow the land owner and renters to continue to meet industry standards, and continue to bid competitively on their existing business operation. The applicant also mentioned a possibility of putting in business/industrial condos for future development of the property.
4. Law enforcement activities are provided by the Cascade County Sheriff's Office and fire protection support is provided by the Black Eagle Volunteer Fire Department.
5. Notice of Public Hearing was mailed to surrounding property owners on June 6, 2018. Legal Ads of the Planning Board's Public Hearing were published in the Great Falls Tribune on June 10, 2018 & June 17, 2018.

ZONING ANALYSIS

Section 76-2-203 Montana Code Annotated lists criteria and guidelines which must be considered in conjunction with all zoning or rezoning proposals; the criteria are:

Criteria #1, the rezone application is made in accordance with the five listed goals in the growth policy;

The 2014 Cascade County Growth Policy (CCGP) contains five (5) goals which the policy defines as a direction of the Growth Policy. Each Goal also includes a subset of Objectives which the Growth Policy defines as a more narrowly defined and concrete expression of community intent. The five (5) goals and their related objectives are:

Goal 1: Sustain and strengthen the economic well being of Cascade County's citizens.

Objectives:

- A. Stimulate the retention of existing businesses and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.

Applicant: The rezoning will allow our company to help our current renter, Jason

Nichols Sprinklers, expand their business activities allowing them a change to be more competitive in their respective business. It will also help attract new contracts with local businesses who will also have the opportunity to expand their operations when needed. The rezoning will provide additional opportunities for the industrial growth in the area while also letting our company entreat new commercial tenants.

B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.

Applicant: Our company uses well water when needed and recycles as much of our waste as possible at a neighboring business, Steel Etc.

C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunication, and youth/social services.

Applicant: Our business development and day-to-day operations will have a variety of needs which will in turn support many existing businesses as well as utilize Cascade County's quality workforce. We are currently researching the possible future development of industrial condos on the property.

D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.

Applicant: The property is in close proximity to an expansive local park system which will be proudly promoted to our visitors. As such, our company has a strong desire to keep the property aesthetically pleasing and in harmony with the surrounding areas.

E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.

Applicant: Our company supports local businesses and has been in on-going negotiations with M&D Construction regarding constructional equipment storage. Our company is in the process of working with other local companies as well and is also working on a future plan to entice companies from across the state.

F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.

Applicant: Rezoning could open the door for further engagements with local business organizations. As a strong supporter of local business, the rezoning will

allow our company to better support area business organizations as well as pave the way for potential partnerships with other local businesses in the future.

G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.

Applicant: Rezoning, and development therefrom, will bring in clients from Cascade County, across Montana and possibly the United States. While here, these clients will engage with local businesses for food, lodging, and general shopping. Additionally, the property's proximity to Giant Springs State Park will reveal a local attraction visitors may attend which will further bolster community revenue.

H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.

Applicant: Our company anticipates having a number of opportunities both locally and across the state where we can provide services for business and industry.

I. Encourage the growth of the agricultural economy.

Applicant: Since the property is located in an industrial area, our company does not have a plan to directly promote agricultural development. Our company will, however, entertain assisting any newly discovered component business of Montana's agricultural sector.

J. Stimulate the growth of the economy by encouraging the use of alternative methods of energy production, including wind energy.

Applicant: Our company may have an opportunity to help in the development of a neighboring alternative energy source, specifically solar energy for on-site use.

Staff: Staff concurs that the applicant meets Goal 1 of the Cascade County Growth Policy.

Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with natural resource development.

Objectives:

A. Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.

Applicant: Our company is sensitive to our location near the Missouri River and along a recognized state park system. We intend to maintain greenspace and continue working towards a healthy Missouri River Corridor as well as enhancing the natural beauty of the area.

B. Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.

Applicant: Our company has no intention of harming the scenic beauty of Cascade County and desires to keep our industrial uses in a centrally located area with similar business.

C. Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.

Applicant: Our company is interested in maintaining the beauty of the surrounding area and we intend to be selective with our tenants to ensure whoever leases from us will maintain and promote a clean environment.

D. Assure clean air, clean water, a healthful environment and good community appearance.

Applicant: Our company has a desire to remain in harmony with the surrounding area and will continue to actively recycle waste from the property.

E. Support the development of natural resources including but not limited to timber, mining, oil, and gas production, and renewable energy production.

Applicant: Our company uses limited natural resources and is not engaged in the development of natural resources. We do, however, have an outside interest in alternative energy, including both wind and solar.

F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields processes.

Applicant: It is believed that the property has not been identified as a site via undergoing the Superfund and Brownfields processes.

Staff: The Staff concurs with the applicant's analysis.

Goal 3: Maintain Agricultural Economy

Objectives:

A. Protect the most productive soil types.

Applicant: According to the USDA Web Soil Survey, our land is not on prime soil, classified as 3d or 4e, implying severe to very severe limitations on use, and propensity to erosion. Thus, our company has no desire to engage in outdoor agricultural operations.

B. Continue to protect soils against erosion.

Applicant: Our company is in compliance with Storm water regulations and has taken steps to mitigate runoff from uphill sites. Our company is continuing to seek a reduction in erosion on our site and from adjacent sites.

C. Protect the floodplain from non-agricultural development.

Applicant: This property is not in a floodplain.

D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.

Applicant: Our company has no desire to engage in ground related agricultural activities on or around the land.

Staff: Staff concurs that the applicant meets Goal 3 of the Cascade County Growth Policy and should not negatively impact the agricultural economy.

Goal 4: Retain the presence of the US Military in Cascade County

Objectives:

A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.

Applicant: Our company does not believe the rezoning will impact the current mission status of Malmstrom Air Force Base.

B. Promote the location of additional military missions in Cascade County.

Applicant: Our company does not believe the rezoning will have an impact on promoting the location of additional military missions in Cascade County.

C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed

wing operations.

Applicant: It is our company's understanding that the parcel of land is in the MOD-D height overlay district for Malmstrom, which prohibits structures over 150 feet above the runway. As such, the existing structures are within parameters.

D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.

Applicant: Our company is of the opinion that the closest missile launch facility is over 20 miles away.

Staff: This parcel is in the MOD-D height overlay district for Malmstrom and the closest missile launch facility is over 20 miles away. Staff agrees that the applicant meets Goal 4 of the Cascade County Growth Policy, and should not negatively impact the presence of the US Military in Cascade County.

Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

A. Maintain Cascade County's citizen's independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.

Applicant: Our company believes that its existing use and future planned operation meshes with the surrounding uses and will continue to do so. Our company is committed to minimizing the impact on the environment and strides to be a good neighbor.

B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.

Applicant: Our company is committed to maintain our property and acknowledges that our company must engage in weed-control efforts. Our company understands that noxious weeds in and around Cascade County are a detriment to our community's environment and its scenery and are committed to controlling the spread thereof.

C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.

Applicant: Our company believes in keeping the property free of debris and is

dedicated to promote fire prevention by keeping fuel loads cleaned out of the wild land/urban interface.

D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.

Applicant: Our company believes that the rezoning should have no direct impact on educational development, health services, or on recreational opportunities.

Staff: Staff concurs with the applicant's analysis.

Criteria #2, whether the zoning regulations have been designed to secure safety from fire and other dangers.

Applicant: Our company believes that the proposed zone change is meant to better reflect the property owners' intended use of the property and should have no impact on securing safety from fire or other dangers.

Staff: Staff agrees with the applicant's analysis.

Criteria #3, whether the zoning regulations have been designed to promote public health, public safety, and general welfare.

Applicant: Our company's current lessee operates a secure facility and will continue to have a vested interest in protecting the property. Our company plans on installing a security system that will provide partial to full video coverage of the property.

Staff: Staff concurs with the applicant's analysis.

Criteria #4, whether the zoning regulations have been designed to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.

Applicant: Our company believes that the zoning regulations have been designed to facilitate the adequate provision of transportation, schools, parks, and other public requirements. Our company also believes that the existing water and septic systems will remain adequate and that there is ample room for growth.

Staff: Staff agrees that existing water and septic systems will remain adequate, roads are already established, and there is ample room for growth.

Criteria #5, whether the zoning regulations have been designed to provide adequate light and air.

Applicant: Our company is not a heavy polluter and has plans of installing security lighting on select areas of the property.

Staff: Staff concurs with the applicant's analysis.

Criteria #6, whether the zoning regulation have been designed to address effects on motorized and non-motorized transportation systems.

Applicant: Our company has road access to the property. This road is shared with other industrial businesses and our company believes that any impact to the transportation infrastructure would be small.

Staff: Staff agrees with the applicant's analysis.

Criteria #7, whether the zoning regulations have been designed to be compatible with urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities.

Applicant: Our company understands that the rezoning is in the proximity of both Great Falls and Malmstrom Air Force Base but is also adjacent to other Heavy Industrial uses. Thus, by rezoning, our company's property would remain in harmony with surrounding uses and potentially future development.

Staff: Staff feels they would remain in harmony with surrounding uses and planned future development.

Criteria #8, whether the zoning regulations have been made with reasonable consideration to the district's peculiar suitability for particular uses.

Applicant: Our company believes that rezoning is appropriate and would not be considered "spot zoning" since:

- 1. The proposed use is similar to the prevailing use in the area since the property is adjacent to Heavy Industrial uses, is by a dedicated railway, and is in the vicinity of the planned Agritech Park development;*
- 2. The area for which rezoning is being requested is rather small in size, 13.67 acres, which is roughly in line with adjacent parcels;*
And
- 3. The suggested change will explicitly benefit only one landowner, but the change may also benefit neighboring landowners by allowing additional parcels in the area to be rezoned from light to heavy industrial as well.*

Staff: When considering the "Little vs. Board of County Commissioners," the first factor to consider is if "the proposed use is significantly different from the prevailing use in the area". The proposed heavy industrial uses will not be

significantly different from the prevailing use to the east. The light industrial zoned parcels to the south and west are also consistent with the proposed heavy industrial use, as is the railway to the north.

The acreage of the parcel petitioning for the rezone (13.67) is roughly in line with the adjacent parcels. The Heavy Industrial parcels in that area range in size from 13.25 acres to 1.4 acres. Since this will be an extension of an existing Heavy Industrial district into a Light Industrial district, staff does not believe the second factor will be met.

Finally, while the purpose of the rezone is to explicitly benefit one landowner, the change could open the door for additional parcels to the west to rezone from light to heavy industrial as well. Since the adjacent properties are some form of industrial or a dedicated railway, planning staff is comfortable that this is not a spot zone scenario.

Criteria #9, Whether the zoning regulations have been made with a view to conserving the value of buildings and land.

Applicant: Our property is in the area of the dedicated John Michael Acres industrial subdivision so a rezoning will help provide for business growth.

Staff: Staff agrees with the applicant's analysis.

Criteria #10, Must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

Applicant: This property is zoned Light Industrial and is located in an industrial area in Cascade County and in the proximity of the City of Great Falls so rezoning it to Heavy Industrial is compatible with adjacent properties.

Staff: This property is located in an industrial area in Cascade County and in the proximity of the City of Great Falls.

CONCLUSION

The Cascade County Zoning Regulations state a Heavy Industrial district is a zoning classification that allows all non-residential uses not otherwise prohibited by law. Permitted accessory uses such as a single-family dwelling required by and incidental to the operation and agricultural uses of land are permitted. The zone change request is for a parcel bordering other industrial uses of land and industrial zoning, and staff finds the applicant's request to rezone to Heavy Industrial is consistent with the intend use, as well as the surrounding uses.

RECOMMENDATIONS

Two recommendations have been provided for your consideration:

Recommendation One:

“I move to recommend to the County Commission, after consideration of the staff report, that the zone change request of Charles Mesler to rezone parcel #0002712400 located in Section 33, T. 21N., R. 4E., P.M.M., Cascade County, MT. from “I-1” Light Industrial to “I-2” Heavy Industrial, be **denied.**”

OR:

Recommendation Two:

“I move to recommend to the County Commission, after consideration of the staff report, that the zone change request of Charles Mesler to rezone parcel #0002712400 located in Section 33, T. 21N., R. 4E., P.M.M., Cascade County, MT. from “I-1” Light Industrial to “I-2” Heavy Industrial, be **approved.**”

Attachment:

- 1) Rezone application
- 2) Map showing parcel zoning